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I hereby certify that this TRANSMITTAL is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 13th day of June, 2005.

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: \_\_\_\_\_

*Wendy A. Frick*

Customer Number

**24024**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Schneider, et al.

Serial No.: 10/045,673

Filed: November 9, 2001

For: **AGENTS AND METHODS FOR  
PROMOTING BONE GROWTH**

Examiner: Teller, Roy R.

Group Art Unit: 1654

Attorney Docket No.: 25080/04000

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**TRANSMITTAL OF NOTICE OF APPEAL**

Sir:

Transmitted herewith are the following:

1. Notice of Appeal;
2. Petition for Extension of Time Under 37 C.F.R. 1.136(a);
3. A check in the amount of \$250.00 as payment for the Notice of Appeal;
4. A check in the amount of \$510.00 as payment of the three month extension of time; and
5. Return receipt postcard.

It is believed that no further fee is required relating to the filing of this Notice. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

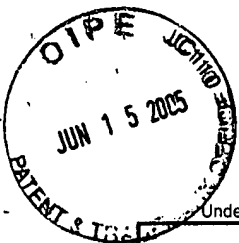
Date: \_\_\_\_\_

*June 13, 2005*

Respectfully submitted,

By: \_\_\_\_\_

*Pamela A. Docherty*  
Pamela A. Docherty, Reg. No. 40,591  
(216) 622-8416



PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

25080/04000

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on June 13, 2005

Signature

Typed or printed  
name

Wendy A. Frick

In re Application of

Schneider, et al.

Application Number

10/045,673

Filed

November 9, 2001

For Agents and Methods for Promoting Bone Growth

Art Unit

1654

Examiner

Teller, Roy R.

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00

☒ A check in the amount of the fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 03-0172. I have enclosed a duplicate copy of this sheet.☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒ attorney or agent of record.Registration number 40,591☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

  
Signature

Pamela A. Docherty

Typed or printed name

(216) 622-8416

Telephone number

Date

**NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.**☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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